

2005 DRAFTING REQUEST

Bill

Received: 03/04/2005

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn Wavrunek**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pocan@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public financing of campaigns for state office

Instructions:

Per 2003 AB-825.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 04/04/2005	wjackson 04/07/2005		_____			State
/1			jfrantze 04/08/2005	_____	lemery 04/08/2005	sbasford 07/22/2005	

FE Sent For:

<END>

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(NOTE)

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1/1	jkuesel	4/4 /1 WLJ 4/7	4/1/8	4/1/8			

FE Sent For:

<END>

Kuesel, Jeffery

To: Wavrunek, Glenn
Subject: RE: LRB-2342 (Public financing of campaigns for state office)

Glenn,

I think there is a good chance you will see the above draft before April 1st.

Jeff

-----Original Message-----

From: Wavrunek, Glenn
Sent: Thursday, March 03, 2005 3:49 PM
To: Kuesel, Jeffery
Subject: WI Clean Elections Fund

Jeff -

Mark would like to reintroduce 2003 AB 825 without any changes (WI Clean Elections Fund). Can we count on seeing a version of it by April 1st? Thanks,

Glenn Wavrunek
Office of Rep. Mark Pocan

2003 ASSEMBLY BILL 825

Lps:
Please
PWF

Lps: Please
check autorefs.

February 9, 2004 - Introduced by Representatives POCAN, BERCEAU, BLACK, BOYLE, MILLER, PLOUFF, POPE-ROBERTS, SINICKI, TURNER and VRUWINK, cosponsored by Senators RISSE, CARPENTER, CHVALA and COGGS. Referred to Committee on Campaigns and Elections.

(regenerate)

AN ACT *to repeal* 11.06 (1) (cm), 11.12 (8), 11.20 (8) (am), 11.21 (15), 11.24 (1w), 11.26 (1m), 11.26 (1t), 11.26 (2m), 11.26 (2t), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9) (c), 11.26 (9m), 11.26 (10), 11.26 (13), 11.31 (2) and (2m), 11.31 (3), 11.31 (3m), 11.31 (3p), 11.31 (6), 11.50, 20.855 (4) (b), 25.17 (1) (ys) and 71.10 (3); *to renumber and amend* 11.12 (6) and 11.26 (9) (a); *to amend* 5.02 (18), 5.62 (5), 7.70 (3) (e) 1., 8.16 (1), 8.16 (5), 8.35 (4) (b), 8.50 (1) (d), 8.50 (3) (b), 10.02 (3) (b) 2m., 10.06 (1) (e), 10.06 (1) (i), 11.06 (1) (a), 11.06 (1) (g), 11.06 (1) (jm), 11.16 (5), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b), 11.26 (17) (a), 11.31 (title), 11.31 (4), 11.31 (7) (b), 11.31 (7) (c), 11.31 (8), 11.31 (10) and 14.58 (20); *to repeal and recreate* 7.08 (2) (c) and (cm), 8.35 (4) (a) 1. a. and b., 11.01 (4m), 11.07 (5), 11.12 (2), 11.12 (6) (a), 11.16 (2), 11.16 (5), 11.19 (1), 11.23 (2), 11.26 (8n) (b), 11.26 (10a) (b), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (9), 11.38 (6), 20.510 (1) (q) and 25.42; *to create* 11.01 (11m), 11.12 (6) (b), 11.51, 20.855 (4) (ba) and 25.17 (1) (aw) of the statutes; and *to affect* 2001 Wisconsin Act 109, section 9115 (2y) (b); *relating to* public

ASSEMBLY BILL 825

- 1 financing of elections for certain state offices, providing an exemption from
 2 emergency rule procedures, granting rule-making authority, providing a
 3 penalty, and making appropriations.

Analysis by the Legislative Reference Bureau

Currently, a candidate for state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign only. No funding is provided for primary campaigns. ~~In order~~ to qualify for a grant, a candidate must qualify to have his or her name appear on the general or spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. In addition, a candidate for a partisan office at the general election must receive at least ~~six~~ ⁶ percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least ~~six~~ ⁶ percent of the total vote cast for that office at the most recent general election at which the office was contested or must receive at least ~~six~~ ⁶ percent of the total vote cast for that office at the special election.

Currently, the maximum amount of a grant that a candidate may receive is 45 percent of the disbursement (spending) level or limit for the office that the candidate seeks. This amount is not subject to any cost of living adjustment. In addition, this amount is reduced by the total amount of contributions received by a candidate from committees other than political party or legislative campaign committees and this amount may not be fully funded in a particular year if there are not sufficient moneys in the Wisconsin election campaign fund to provide full financing for all qualifying candidates. Grants may only be used to purchase services from a communications medium, printing, graphic arts, or advertising services, office supplies, or postage. A candidate must agree to abide by disbursement and self-contribution limits ~~in order~~ to receive a grant, but this agreement does not apply if the candidate has an opponent who could have qualified for a grant but declines to do so and declines to file an affidavit of voluntary compliance with disbursement and self-contribution limits. ~~Grant moneys that are not spent by a candidate after the date of an election must be returned by the candidate to the state.~~

+ it is possible that

A candidate must return to the state

This bill replaces the Wisconsin election campaign fund with a new fund called the clean elections fund. Under the bill, a candidate for any state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the clean elections fund. Separate grants are provided for primary and election campaigns. ~~In order~~ to qualify for a grant, a candidate must qualify to have his or her name appear on the ballot at a spring, September, or special primary or a spring, general, or special election for which the grant money will be used. ~~In order~~ to qualify for a grant at a general or partisan special election, a candidate must also receive at least ~~one~~ percent of the total vote cast on all ballots for the office that the

1

ASSEMBLY BILL 825

seeking
candidate seeks at the September primary, or at the special primary, if a special primary is held. In addition, a candidate must raise and deposit with the state treasurer a specified number of qualifying contributions in the amount of \$5 each. Each qualifying contribution must be received from an elector of this state and, *for* ~~in the case of~~ a candidate for legislative office, from an elector of the district in which the candidate seeks office, and the name and address of the contributor must be reported to the State Elections Board. The number of qualifying contributions ranges from 3,000 to 100, depending upon the office sought by the candidate.

Under the bill, the maximum amount of a grant that a candidate may receive ranges from \$1,000,000 in the primary and \$2,000,000 in the election to \$25,000 in the primary and \$50,000 in the election, depending upon the office sought by the candidate, except if a candidate has no opponent whose name is certified to appear on the ballot. Under the bill, an unopposed candidate at a primary election receives a grant equal to the average total disbursements made per candidate in primary elections for the office that the candidate seeks during the four-year period preceding the date of the primary election, and an unopposed candidate at a spring, general, or special election receives a grant equal to the average total disbursements made per candidate in spring, general, and special elections for the office that the candidate seeks during the four-year period preceding the date of the spring, general, or special election, except that a candidate for the office of governor receives a grant of \$100,000 for a primary election and \$200,000 for a general ~~or special~~ election. Grant amounts are subject to a biennial cost-of-living adjustment.

~~In order~~ to receive a grant, a candidate must affirm that he or she has not accepted and agrees not to accept a contribution from any source other than qualifying contributions or seed money contributions, which may be accepted by a candidate before the candidate qualifies to receive a grant. The total seed money contributions accepted by a candidate from one contributor, including contributions by a candidate to his or her own campaign, may not exceed \$100. The total seed money contributions accepted by a candidate from all contributors range from \$50,000 to \$1,500, depending upon the office sought by the candidate. A candidate must deposit with the board any unencumbered seed money contributions held by the candidate on the day the candidate receives notification of qualification for a grant. If any person makes an expenditure independently of a candidate or incurs an obligation to make such an expenditure for the purpose of making a mass communication containing a reference to a candidate for a state office other than the office of court of appeals judge, circuit judge, or district attorney within 60 days preceding a primary or election for that office, the person must report that expenditure or obligation to the board. Upon receipt of the report by the board, each candidate who accepts a grant qualifies to receive an additional grant equal to the amount of the independent expenditures and outstanding obligations made in opposition to that candidate or in support of his or her opponent. If a candidate who accepts a grant is opposed by a candidate who does not accept a grant or who violates his or her agreement, any ~~complying~~ candidate for the same office who accepts a grant qualifies to receive an additional grant equal to the amount by which disbursements by the other candidate exceed the original amount of the grant.

ASSEMBLY BILL 825

received by that candidate. The sum of all additional grants made to a single candidate may not exceed 2.5 times the original amount of a candidate's grant. The bill permits grants to be spent for any lawful purpose. To facilitate matching of independent expenditures made and obligations incurred in opposition to a candidate or in support of a candidate's opponent, the bill revises current requirements for individuals and committees making such disbursements to report disbursements exceeding \$20 cumulatively if they are made within 15 days of an election to require, instead, reporting of all independent expenditures and obligations to make such expenditures in support of or in opposition to a candidate for a state office other than court of appeals judge, circuit judge, or district attorney if the expenditures are made or obligations incurred within 60 days of an election.

The bill also deletes the disbursement and self-contribution limitations currently applicable to candidates who accept grants from the Wisconsin election campaign fund, as well as the affidavit of voluntary compliance with those limitations. Under the bill, grant moneys that are not spent by a candidate on the day after an election ~~must be returned by the candidate to the state~~.

a
candidate
must
return
to the
state

The bill provides that if a candidate does not adhere to the agreement required to obtain a grant, the candidate is subject to a forfeiture (civil penalty) equivalent to the amount of the grant that the candidate received, and in addition may be fined not more than three times the amount of any contributions received by the candidate excluding the amount of any grant and any qualifying or seed money contributions that are permitted to be received under the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

provision that permits
submission of an

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.02 (18) of the statutes is amended to read:

2 5.02 (18) "September primary" means the primary held the 2nd Tuesday in
3 September to nominate candidates to be voted for at the general election, and to
4 determine which candidates for state offices other than district attorney may
5 participate in the Wisconsin election campaign receive grants from the clean
6 elections fund.

7 **SECTION 2.** 5.62 (5) of the statutes is amended to read:

8 5.62 (5) At the September primary, an elector may vote for the candidates of
9 only one party, or the elector may vote for any of the independent candidates for state

ASSEMBLY BILL 825

1 office listed; but the elector may not vote for more than one candidate for a single
2 office. A space shall be provided on the ballot for an elector to write in the name of
3 his or her choice as a party candidate for any office, including a party candidate of
4 a recognized political party whose name appears on the ballot, column or row
5 designated for independent candidates, as provided in sub. (1) (b) 2 or (2) (b), but no
6 space shall be provided to write in the names of independent candidates.

7 **SECTION 3.** 7.08 (2) (c) ^X and (cm) ^X of the statutes, as affected by 2001 Wisconsin
8 Act 109, are repealed and recreated to read:

9 7.08 (2) (c) As soon as possible after the canvass of the spring and September
10 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
11 September, transmit to the state treasurer a certified list of all eligible candidates
12 for state office who have filed applications under s. 11.51 (7) and whom the board
13 determines to be eligible to receive grants from the clean elections fund. The list shall
14 contain each candidate's name, the mailing address indicated upon the candidate's
15 registration form, the office for which the individual is a candidate and the party or
16 principle which he or she represents, if any.

17 (cm) As soon as possible after the canvass of a special primary, or the date that
18 the primary would be held, if required, transmit to the state treasurer a certified list
19 of all eligible candidates for state office who have filed applications under s. 11.51 (7)
20 and whom the board determines to be eligible to receive a grant from the clean
21 elections fund. The list shall contain each candidate's name, the mailing address
22 indicated upon the candidate's registration form, the office for which the individual
23 is a candidate and the party or principle which he or she represents, if any.

24 **SECTION 4.** 7.70 (3) (e) 1. of the statutes is amended to read:

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SECTION 4

1 7.70 (3) (e) 1. After each September primary and special primary for a partisan
2 state office other than the office of district attorney, the name of each candidate not
3 defeated in the primary who receives at least 6% one percent of the total vote cast
4 for all candidates on all ballots at the primary for ~~each separate state office except~~
5 ~~district attorney~~ each state office other than the office of district attorney, and the
6 percentage of the total vote received by that candidate. Such percentage shall be
7 calculated within each district in the case of legislative candidates.

8 SECTION 5. 8.16 (1) of the statutes is amended to read:

9 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
10 number of votes for an office on a party ballot at any partisan primary, regardless of
11 whether the person's name appears on the ballot, shall be the party's candidate for
12 the office, and the person's name shall so appear on the official ballot at the next
13 election. All independent candidates shall appear on the general election ballot or
14 on any special election ballot regardless of the number of votes received by such
15 candidates at the September or at any special primary.

16 SECTION 6. 8.16 (5) of the statutes is amended to read:

17 8.16 (5) Any candidate for a partisan state office except district attorney may
18 also qualify for payments a grant under s. 11.50 11.51 if the candidate meets the
19 requirements specified in s. 11.50 11.51; however, a candidate who qualifies under
20 this section for placement on the official ballot at the general election or a special
21 election shall appear on such ballot regardless of whether he or she qualifies for
22 payments a grant under s. 11.50 11.51.

23 SECTION 7. 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2001 Wisconsin
24 Act 109, are repealed and recreated to read:

ASSEMBLY BILL 825

1 8.35 (4) (a) 1. a. If the former candidate was a partisan candidate, donated to
2 the former candidate's local or state political party, or donated to a charitable
3 organization, as instructed by the former candidate or, if the candidate left no
4 instruction, as instructed by the former candidate's next of kin; or

5 b. If the former candidate was a nonpartisan candidate, donated to a charitable
6 organization, as instructed by the former candidate or, if the candidate left no
7 instruction, as instructed by the former candidate's next of kin; or

8 **SECTION 8.** 8.35 (4) (b) of the statutes is amended to read:

9 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
10 received by a candidate from the ~~Wisconsin election campaign~~ clean elections fund
11 shall be immediately transferred to any candidate who is appointed to replace such
12 candidate, ~~upon filing of a proper application therefor under s. 11.50 (2).~~ If there is
13 no candidate appointed ~~or if no proper application is filed within 7 days of the date~~
14 ~~on which the vacancy occurs,~~ such moneys shall revert to the state ~~as provided in s.~~
15 ~~11.50 (8).~~

16 **SECTION 9.** 8.50 (1) (d) of the statutes is amended to read:

17 8.50 (1) (d) When the election concerns a national or state office, the board shall
18 transmit to each county clerk at least 22 days before the special primary a certified
19 list of all persons for whom nomination papers have been filed in its office. If no
20 primary is required, the list shall be transmitted at least 42 days prior to the day of
21 the election. If a special primary for a state office to the assembly is held, the board
22 shall send a certified list of candidates who are eligible to receive grants under s.
23 11.51 to the state treasurer pursuant to s. 7.08 (2) (cm). Immediately upon receipt
24 of the certified list of candidates from the board, the county clerk shall prepare his
25 or her ballots. For a county special election, the county clerk shall certify the

ASSEMBLY BILL 825**SECTION 9**

1 candidates and prepare the ballots. If there is a primary, the county clerk shall
2 publish one type B notice in a newspaper under ch. 10. When a primary is held, as
3 soon as possible after the primary, the county clerk shall certify the candidates and
4 prepare the ballots for the following special election. The clerk shall publish one type
5 B notice in a newspaper under ch. 10 for the election.

6 **SECTION 10.** 8.50 (3) (b) of the statutes is amended to read:

7 8.50 (3) (b) Except as otherwise provided in this section, the provisions for
8 September primaries under s. 8.15 are applicable to all partisan primaries held
9 under this section, and the provisions for spring primaries under s. 8.10 are
10 applicable to all nonpartisan primaries held under this section. In a special partisan
11 primary or election, the order of the parties on the ballot shall be the same as
12 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for a partisan state
13 office at a special partisan election shall ~~not~~ appear on the primary ballot. No
14 primary is required for a nonpartisan election in which not more than 2 candidates
15 for an office appear on the ballot or for a partisan election in which not more than one
16 candidate for an office appears on the ballot of each recognized political party. In
17 every special election except a special election for nonpartisan state office where no
18 candidate is certified to appear on the ballot, a space for write-in votes shall be
19 provided on the ballot, regardless of whether a special primary is held.

20 **SECTION 11.** 10.02 (3) (b) 2m. of the statutes is amended to read:

21 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
22 ballot of his or her choice or the ballot containing the names of the independent
23 candidates for state office, and make a cross (X) next to or depress the lever or button
24 next to the candidate's name for each office for whom the elector intends to vote or
25 insert or write in the name of the elector's choice for a party candidate, if any. In order

ASSEMBLY BILL 825

1 to qualify for ~~participation in the Wisconsin election campaign~~ a grant from the clean
2 elections fund, a candidate for a state office, other than the office of district attorney,
3 at the September primary, other than a candidate for district attorney, or a special
4 primary, if a special primary is held, must receive at least 6% one percent of all votes
5 cast on all ballots for the office for which he or she is a candidate, in addition to other
6 requirements.

7 **SECTION 12.** 10.06 (1) (e) [✓] of the statutes, as affected by 2003 Wisconsin Act 24,
8 is amended to read:

9 10.06 (1) (e) As soon as possible following the state canvass of the spring
10 primary vote, but no later than the first Tuesday in March, the board shall send a
11 type B notice certifying to each county clerk the list of candidates for the spring
12 election. When no state spring primary is held or when the only primary held is the
13 presidential preference primary, this notice shall be sent under par. (c). The board
14 shall also in any case send a certified list of candidates under s. ~~11.50~~ 11.51 to the
15 state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
16 shall send type A and C notices certifying each question to the county clerks as soon
17 as possible, but no later than the first Tuesday in March.

18 **SECTION 13.** 10.06 (1) (i) of the statutes is amended to read:

19 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
20 4th Tuesday in September, the board shall send a type B notice certifying the list of
21 candidates and type A and C notices certifying each question for any referendum to
22 each county clerk for the general election and a certified list of candidates under s.
23 ~~11.50~~ 11.51 to the state treasurer pursuant to s. 7.08 (2) (c).

24 **SECTION 14.** 11.01 (4m) [✗] of the statutes, as created by 2001 Wisconsin Act 109,
25 is repealed and recreated to read:

ASSEMBLY BILL 825**SECTION 14**

1 11.01 **(4m)** "Communication" means a message transmitted by means of a
2 printed advertisement, billboard, handbill, sample ballot, radio or television
3 advertisement, telephone call, or any medium that may be utilized for the purpose
4 of disseminating or broadcasting a message, but not including a poll conducted solely
5 for the purpose of identifying or collecting data concerning the attitudes or
6 preferences of electors.

7 **SECTION 15.** 11.01 (11m) of the statutes is created to read:

8 11.01 **(11m)** "Independent expenditure" means an expenditure made for the
9 purpose of making a communication that is made during the 60-day period
10 preceding any spring, September, or special primary election for a state office other
11 than the office of court of appeals judge, circuit judge, or district attorney and the
12 date of the spring, general, or special election following that primary election, or if
13 no primary election for such an office is held, during the 60-day period preceding an
14 election for such an office; that contains a reference to a clearly identified candidate
15 for such an office at that election; that is made without cooperation or consultation
16 with such a candidate, or any authorized committee or agent of such a candidate; and
17 that is not made in concert with, or at the request or suggestion of, such a candidate,
18 or any authorized committee or agent of such a candidate.

19 **SECTION 16.** 11.06 (1) (a) of the statutes is amended to read:

20 11.06 **(1)** (a) ~~An~~ Except as required under s. 11.51 (2), an itemized statement
21 giving the date, full name and street address of each contributor who has made a
22 contribution in excess of \$20, or whose contribution if \$20 or less aggregates more
23 than \$20 for the calendar year, together with the amount of the contribution and the
24 cumulative total contributions made by that contributor for the calendar year.

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1 **SECTION 17.** 11.06 (1) (cm)^X of the statutes, as created by 2001 Wisconsin Act
2 109, is repealed.

3 **SECTION 18.** 11.06 (1) (g) of the statutes is amended to read:

4 11.06 (1) (g) An Except as required under s. 11.51 (9), an itemized statement
5 of every disbursement exceeding \$20 in amount or value, together with the name and
6 address of the person to whom the disbursement was made, and the date and specific
7 purpose for which the disbursement was made.

8 **SECTION 19.** 11.06 (1) (jm) of the statutes is amended to read:

9 11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant
10 to an escrow agreement under s. 11.16 (5). ~~A candidate or personal campaign~~
11 ~~committee receiving contributions under such an agreement and attaching a~~
12 ~~separate schedule under this paragraph may indicate the percentage of the total~~
13 ~~contributions received, disbursements made and exclusions claimed under s. 11.31~~
14 ~~(6) without itemization, except that amounts received from any contributor pursuant~~
15 ~~to the agreement who makes any separate contribution to the candidate or personal~~
16 ~~campaign committee during the calendar year of receipt as indicated in the schedule~~
17 ~~shall be aggregated and itemized if required under par. (a) or (b).~~

18 **SECTION 20.** 11.07 (5)^X of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.07 (5) Any campaign treasurer or individual who knowingly receives a
21 contribution made by an unregistered nonresident in violation of this section may
22 not use or expend such contribution but shall immediately return it to the source or
23 at the option of the campaign treasurer or individual, donate the contribution to a
24 charitable organization or to the common school fund.

ASSEMBLY BILL 825**SECTION 21**

1 **SECTION 21.** 11.12 (2)^X of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
4 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
5 expended. The contribution shall be donated to the common school fund or to any
6 charitable organization, at the option of the treasurer.

7 **SECTION 22.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
8 to read:

9 11.12 (6) (a) If any disbursement of more than \$20 cumulatively is made to
10 advocate the election or defeat of a clearly identified candidate by an individual or
11 committee later than 15 days prior to a primary or election in which the candidate's
12 name appears on the ballot without cooperation or consultation with a candidate or
13 agent or authorized committee of a candidate who is supported or opposed, and not
14 in concert with or at the request or suggestion of such a candidate, agent, or
15 committee, the individual or treasurer of the committee shall, within 24 hours of
16 making the disbursement, inform the appropriate filing officer of the information
17 required under s. 11.06 (1) in such manner as the board may prescribe. The
18 information shall also be included in the next regular report of the individual or
19 committee under s. 11.20. For purposes of this ~~subsection~~ paragraph, disbursements
20 cumulate beginning with the day after the last date covered on the preprimary or
21 preelection report and ending with the day before the primary or election. Upon
22 receipt of a report under this ~~subsection~~ paragraph, the filing officer shall, within 24
23 hours of receipt, mail a copy of the report to all candidates for any office in support
24 of or opposition to one of whom a disbursement identified in the report is made. This

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1 paragraph does not apply to any disbursement that is required to be reported as an
2 independent expenditure under par. (b).

3 SECTION 23. 11.12 (6) (a)^x of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.12 (6) (a) Except as otherwise provided in this paragraph, if any individual
6 or committee incurs one or more obligations or makes one or more disbursements in
7 an amount exceeding \$250 cumulatively to advocate the election or defeat of a clearly
8 identified candidate later than 15 days prior to a primary or election in which the
9 candidate's name appears on the ballot without cooperation or consultation with a
10 candidate or agent or authorized committee of a candidate who is supported or
11 opposed, and not in concert with or at the request or suggestion of such a candidate,
12 agent or committee, the individual or treasurer of the committee shall, within 24
13 hours after incurring the obligation or making the disbursement, inform the
14 appropriate filing officer. The report shall include the information required under
15 s. 11.06 (1) and shall be made in such manner as the board may prescribe. For
16 purposes of this paragraph, obligations and disbursements cumulate beginning with
17 the day after the last date covered on the preprimary or preelection report and ending
18 with the day before the primary or election and disbursements made for the purpose
19 of payment of obligations that were previously reported are not included in
20 determining the cumulative amount of obligations and disbursements. Upon receipt
21 of a report identifying any obligation or disbursement under this paragraph, the
22 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
23 candidates for any office in support of or opposition to one of whom an obligation is
24 incurred or a disbursement is made. This paragraph does not apply to
25 disbursements or obligations required to be reported under par. (am) or to an

ASSEMBLY BILL 825**SECTION 23**

1 individual or committee that is required to file daily reports under s. 11.21 (16). This
2 paragraph does not apply to any disbursement that is required to be reported as an
3 independent expenditure under par. (b).

4 **SECTION 24.** 11.12 (6) (b) of the statutes is created to read:

5 11.12 (6) (b) 1. If any person makes an independent expenditure or incurs an
6 obligation to make an independent expenditure, the person shall, within 24 hours
7 of making the independent expenditure or incurring the obligation to make the
8 independent expenditure, report to the board the information required under this
9 paragraph in such manner as the board may prescribe.

10 2. Each report under this paragraph shall contain the following information:

11 a. The name of each candidate who is identified in each communication
12 financed with the independent expenditure or obligation.

13 b. A statement as to whether the communication is intended to support or
14 oppose that candidate.

15 c. The total amount or value of the independent expenditure or obligation and
16 the cumulative independent expenditures made and obligations to make
17 independent expenditures incurred by the person with respect to that election.

18 3. If the person is a registrant, the person shall also include the information
19 reported under subd. 2. in the next regular report of the person under s. 11.20. Upon
20 receipt of a report under this paragraph, the board shall, within 24 hours of receipt,
21 mail a copy of the report to all candidates for any office in support of or opposition
22 to one of whom an independent expenditure or obligation identified in the report is
23 made.

24 **SECTION 25.** 11.12 (8) ^x of the statutes, as created by 2001 Wisconsin Act 109, is
25 repealed.

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1 **SECTION 26.** 11.16 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.16 (2) **LIMITATION ON CASH CONTRIBUTIONS.** Every contribution of money
4 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
5 credit card receipt bearing on the face the name of the remitter. No treasurer may
6 accept a contribution made in violation of this subsection. The treasurer shall
7 promptly return the contribution, or donate the contribution to the common school
8 fund or to a charitable organization, in the event that the donor cannot be identified.

9 **SECTION 27.** 11.16 (5) of the statutes is amended to read:

10 11.16 (5) **ESCROW AGREEMENTS.** Any personal campaign committee, political
11 party committee or legislative campaign committee may, pursuant to a written
12 escrow agreement with more than one candidate, solicit contributions for and
13 conduct a joint fund raising effort or program on behalf of more than one named
14 candidate. The agreement shall specify the percentage of the proceeds to be
15 distributed to each candidate by the committee conducting the effort or program.
16 The committee shall include this information in all solicitations for the effort or
17 program. All contributions received and disbursements made by the committee in
18 connection with the effort or program shall be received and disbursed through a
19 separate depository account under s. 11.14 (1) that is identified in the agreement.
20 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
21 prepare a schedule in the form prescribed by the board supplying all required
22 information under s. 11.06 (1) ~~and items qualifying for exclusion under s. 11.31 (6)~~
23 for the effort or program, and shall transmit a copy of the schedule to each candidate
24 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

ASSEMBLY BILL 825**SECTION 28**

1 **SECTION 28.** 11.16 (5) ^X of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.16 (5) **ESCROW AGREEMENTS.** Any personal campaign committee or political
4 party committee may, pursuant to a written escrow agreement with more than one
5 candidate, solicit contributions for and conduct a joint fund raising effort or program
6 on behalf of more than one named candidate. The agreement shall specify the
7 percentage of the proceeds to be distributed to each candidate by the committee
8 conducting the effort or program. The committee shall include this information in
9 all solicitations for the effort or program. All contributions received and
10 disbursements made by the committee in connection with the effort or program shall
11 be received and disbursed through a separate depository account under s. 11.14 (1)
12 that is identified in the agreement. For purposes of s. 11.06 (1), the committee
13 conducting the effort or program shall prepare a schedule in the form prescribed by
14 the board supplying all required information under s. 11.06 (1) for the effort or
15 program, and shall transmit a copy of the schedule to each candidate who receives
16 any of the proceeds within the period prescribed in s. 11.06 (4) (c).

17 **SECTION 29.** 11.19 (1) ^X of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.19 (1) Whenever any registrant disbands or determines that obligations will
20 no longer be incurred, and contributions will no longer be received nor disbursements
21 made during a calendar year, and the registrant has no outstanding incurred
22 obligations, the registrant shall file a termination report with the appropriate filing
23 officer. Such report shall indicate a cash balance on hand of zero at the end of the
24 reporting period and shall indicate the disposition of residual funds. Residual funds
25 may be used for any political purpose not prohibited by law, returned to the donors

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1 in an amount not exceeding the original contribution, or donated to a charitable
2 organization or the common school fund. The report shall be filed and certified as
3 were previous reports, and shall contain the information required by s. 11.06 (1). A
4 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
5 subsection with a termination report filed under this subsection. If a termination
6 report or suspension report under sub. (2) is not filed, the registrant shall continue
7 to file periodic reports with the appropriate filing officer, no later than the dates
8 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
9 than the times specified in s. 11.21 (16). This subsection does not apply to any
10 registrant making an indication under s. 11.06 (2m).

11 **SECTION 30.** 11.20 (8) (am) of the statutes, as created by 2001 Wisconsin Act
12 109, is repealed.

13 **SECTION 31.** 11.21 (15) of the statutes, as affected by 2001 Wisconsin Act 109,
14 is repealed.

15 **SECTION 32.** 11.23 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
18 or group treasurer may not be used or expended. The contribution shall be donated
19 to the common school fund or to any charitable organization, at the option of the
20 treasurer.

21 **SECTION 33.** 11.24 (1w) of the statutes, as created by 2001 Wisconsin Act 109,
22 is repealed.

23 **SECTION 34.** 11.26 (1m) of the statutes, as created by 2001 Wisconsin Act 109,
24 is repealed.

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SECTION 35

1 **SECTION 35.** 11.26 (1t) ^X of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed.

3 **SECTION 36.** 11.26 (2) (a) [✓] of the statutes is amended to read:

4 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
5 state treasurer, attorney general, state superintendent or justice, 4% of the value of
6 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
7 s. 11.31 (9).

8 **SECTION 37.** 11.26 (2m) ^X of the statutes, as created by 2001 Wisconsin Act 109,
9 is repealed.

10 **SECTION 38.** 11.26 (2t) ^X of the statutes, as created by 2001 Wisconsin Act 109,
11 is repealed.

12 **SECTION 39.** 11.26 (8n) (b) ^X of the statutes, as created by 2001 Wisconsin Act 109,
13 is repealed and recreated to read:

14 11.26 (8n) (b) A political party that receives and accepts a contribution under
15 par. (a) shall maintain 2 segregated accounts, one designated as a "Section 11.26 (8n)
16 Senate Account" and one designated as a "Section 11.26 (8n) Assembly Account." The
17 political party shall deposit one-half of each contribution received and accepted
18 under par. (a) in each account. Contributions deposited in the senate account may
19 be disbursed only for the purpose of making contributions to candidates for the office
20 of state senator that the candidates are authorized to receive and accept under sub.
21 (9). Contributions deposited in the assembly account may be disbursed only for the
22 purpose of making contributions to candidates for the office of representative to the
23 assembly that the candidates are authorized to receive and accept under sub. (9).

24 **SECTION 40.** 11.26 (9) (a) of the statutes is amended to read:

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1 11.26 (9) (a) No individual who is a candidate for state or local office may receive
2 and accept more than 65% of the value of the total disbursement level determined
3 under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he
4 or she is a candidate during any primary and election campaign combined from all
5 committees subject to a filing requirement, including political party and legislative
6 campaign committees.

7 **SECTION 41.** 11.26 (9) (a) ^{X (intro.)} of the statutes, as affected by 2001 Wisconsin Act 109,
8 is renumbered 11.26 (9) and amended to read:

9 11.26 (9) ~~Except as provided in sub. (9m),~~ No individual who is a candidate for
10 state or local office may receive and accept more than 65% of the value of the total
11 disbursement level determined under s. 11.31 (1), adjusted as provided under s.
12 11.31 (9), for the office for which he or she is a candidate during any primary and
13 election campaign combined from all committees subject to a filing requirement,
14 including political party committees, ~~except as follows:~~

15 **SECTION 42.** 11.26 (9) (a) 1. to 4. ^X of the statutes, as created by 2001 Wisconsin
16 Act 109, are repealed.

17 **SECTION 43.** 11.26 (9) (am) ^X of the statutes, as created by 2001 Wisconsin Act
18 109, is repealed.

19 **SECTION 44.** 11.26 (9) (b) ^X of the statutes is amended to read:

20 11.26 (9) (b) No individual who is a candidate for state or local office may receive
21 and accept more than 45% of the value of the total disbursement level determined
22 under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he
23 or she is a candidate during any primary and election campaign combined from all
24 committees other than political party and legislative campaign committees subject
25 to a filing requirement.

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SECTION 45

1 **SECTION 45.** 11.26 (9) (c) of the statutes is repealed.

2 **SECTION 46.** 11.26 (9m)⁴ of the statutes, as created by 2001 Wisconsin Act 109,
3 is repealed.

4 **SECTION 47.** 11.26 (10)⁴ of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed.

6 **SECTION 48.** 11.26 (10a)⁴ (b) of the statutes, as created by 2001 Wisconsin Act
7 109, is repealed and recreated to read:

8 11.26 **(10a)** (b) The dollar amounts of the limitations under subs. (1), (2), (4),
9 (8), and (8n) are subject to a biennial adjustment to be determined by rule of the board
10 in accordance with this subsection. To determine the adjustment, the board shall,
11 in each year that the adjustment is made, calculate the percentage difference
12 between the consumer price index for the 12-month period ending on December 31
13 of the preceding year and the consumer price index for calendar year ²⁰⁰⁷2003.
14 Beginning in ²⁰⁰⁸2006 and every 2 years thereafter, the board shall multiply the amount
15 of each limitation under subs. (1), (2), (4), (8), and (8n) by the percentage difference
16 in the consumer price indexes. The board shall then add that product to the
17 applicable limitation under subs. (1), (2), (4), (8), and (8n), round each sum to the
18 nearest multiple of \$5, and adjust the amount of each limitation to substitute the
19 resulting amount. The amount so determined shall then be in effect until a
20 subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24
21 (1) (a), (2) (b), and (3), determinations under this subsection may be promulgated as
22 an emergency rule under s. 227.24 without providing evidence that the emergency
23 rule is necessary for the public peace, health, safety, or welfare and without a finding
24 of emergency.

25 **SECTION 49.** 11.26 (13) of the statutes is repealed.

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SECTION 50. 11.26 (17) (a) of the statutes is amended to read:

11.26 (17) (a) For purposes of application of the limitations imposed in subs. (1), (2), and (9) ~~and (10)~~, the “campaign” of a candidate begins and ends at the times specified in this subsection.

SECTION 51. 11.26 (17) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (17) (a) For purposes of application of subs. (1), (2), and (9), the “campaign” of a candidate begins and ends at the times specified in this subsection.

SECTION 52. 11.31 (title) of the statutes is amended to read:

11.31 (title) Disbursement levels and limitations; calculation.

SECTION 53. 11.31 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are established with reference to the candidates listed below. The levels are subject to adjustment under sub. (9). The levels do not operate to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

SECTION 54. 11.31 (2) and (2m) of the statutes, as affected by 2001 Wisconsin Act 109, are repealed.

SECTION 55. 11.31 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed.

SECTION 56. 11.31 (3m) of the statutes is repealed.

SECTION 57. 11.31 (3p) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION 58. 11.31 (4) of the statutes is amended to read:

ASSEMBLY BILL 825**SECTION 58**

1 11.31 (4) ALLOCATION. ~~Except as provided in sub. (3m), whenever~~ Whenever a
2 separate disbursement level is specified for a primary and election under sub. (1), a
3 candidate who disburses less than the authorized level in the primary may not
4 reallocate the balance to increase the level in the election. Whenever a separate
5 disbursement level is not specified for a primary and election under sub. (1), a
6 candidate may allocate disbursements between the primary and election campaign
7 within the total level of disbursements specified in sub. (1) in any proportion desired,
8 and may carry over unexpended contributions from a primary campaign to an
9 election campaign.

10 **SECTION 59.** 11.31 (6) of the statutes is repealed.

11 **SECTION 60.** 11.31 (7) (b) of the statutes is amended to read:

12 11.31 (7) (b) Disbursements which are made before a campaign period for goods
13 to be delivered or services to be rendered in connection with the campaign are
14 charged against the disbursement ~~limitation~~ level for that campaign.

15 **SECTION 61.** 11.31 (7) (c) of the statutes is amended to read:

16 11.31 (7) (c) Disbursements which are made after a campaign to retire a debt
17 incurred in relation to a campaign are charged against the disbursement ~~limitation~~
18 level for that campaign.

19 **SECTION 62.** 11.31 (8) of the statutes is amended to read:

20 11.31 (8) CERTAIN CONTRIBUTIONS EXCLUDED. The ~~limitations imposed levels~~
21 specified under this section do not apply to a gift of anything of value constituting
22 a contribution made directly to a registrant by another, but the ~~limitations~~ levels
23 shall apply to such gift when it is received and accepted by the recipient or, if received
24 in the form of money, when disbursed.

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1 **SECTION 63.** 11.31 (9)^X of the statutes, as created by 2001 Wisconsin Act 109, is
2 repealed and recreated to read:

3 11.31 **(9)** ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
4 “consumer price index” means the average of the consumer price index over each
5 12-month period, all items, U.S. city average, as determined by the bureau of labor
6 statistics of the U.S. department of labor.

7 (b) The dollar amounts of the levels specified in sub. (1) are subject to a biennial
8 adjustment to be determined by rule of the board in accordance with this paragraph.
9 To determine the adjustment, the board shall, in each year that the adjustment is
10 made, calculate the percentage difference between the consumer price index for the
11 12-month period ending on December 31 of the preceding year and the consumer
12 price index for calendar year ²⁰⁰⁷~~2005~~. For each biennium, the board shall multiply the
13 amount of each level specified under sub. (1) by the percentage difference in the
14 consumer price indexes. The board shall then add that product to the applicable level
15 under sub. (1), round each sum to the nearest multiple of \$5, and adjust the amount
16 of each level to substitute the resulting amount. The amount so determined shall
17 then be in effect until a subsequent rule is promulgated under this paragraph.
18 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this
19 paragraph may be promulgated as an emergency rule under s. 227.24 without
20 providing evidence that the emergency rule is necessary for the public peace, health,
21 safety, or welfare and without a finding of emergency.

22 **SECTION 64.** 11.31 (10) of the statutes is amended to read:

23 11.31 **(10)** SURPLUS MATERIALS EXCLUDED. Disbursements constituting surplus
24 materials acquired in connection with a previous campaign of a candidate are not

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SECTION 64

1 subject to limitation by included in the levels specified in this section, if the materials
2 were previously reported as a disbursement by that candidate.

3 SECTION 65. 11.38 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.38 (6) Any individual or campaign treasurer who receives funds in violation
6 of this section shall promptly return such funds to the contributor, or donate the
7 funds to the common school fund or a charitable organization, at the individual's or
8 treasurer's option.

9 SECTION 66. 11.50 of the statutes, as affected by 2001 Wisconsin Act 109, is
10 repealed.

11 SECTION 67. 11.51 of the statutes is created to read:

12 11.51 Clean elections fund grants. (1) Any candidate for a state office other
13 than the office of court of appeals judge, circuit judge, or district attorney whose
14 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at an
15 election may qualify to receive a grant from the clean elections fund by fulfilling the
16 requirements of this section.

17 (2) (a) ~~In order~~ to qualify to receive a grant from the clean elections fund, a
18 candidate shall obtain and deposit with the state treasurer the number of qualifying
19 contributions specified in this subsection, in the amount of \$5 each, each of which
20 shall be received from an elector of this state and, in the case of a candidate for
21 legislative office, an elector of the district in which the candidate seeks office. The
22 name and address of each elector making a qualifying contribution shall be identified
23 in a report filed with the board as provided in s. 11.06 (1) (a). The number of required
24 qualifying contributions for a candidate for each office is:

25 1. Governor, 3,000.

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1 2. Lieutenant governor, 750.

2 3. Attorney general, 1,050.

3 4. State treasurer, 375.

4 5. Secretary of state, 375.

5 6. State superintendent, 375.

6 7. Justice, 450.

7 8. State senator, 150.

8 9. Representative to the assembly, 100.

9 (b) In addition to the requirements imposed under par. (a), a candidate does not
10 qualify to receive a grant for a general or partisan special election unless the
11 candidate receives at least ¹~~one~~ percent of the total vote cast for all candidates on all
12 ballots for the same office at the September primary, or at a special primary if a
13 special primary is held.

14 (3) Prior to notification that a candidate has qualified to receive a grant from
15 the clean elections fund under sub. (7), a candidate may accept seed money
16 contributions from individuals. The total seed money contributions accepted by a
17 candidate from one contributor, including any seed money contributions made by a
18 candidate to his or her own campaign, may not exceed \$100. The total seed money
19 contributions accepted by a candidate during the candidate's campaign, as defined
20 in s. 11.26 (17), may not exceed, in the aggregate, the following amount for the office
21 sought by candidate:

22 (a) Governor, \$50,000.

23 (b) Lieutenant governor, \$12,500.

24 (c) Attorney general, \$17,500.

25 (d) State treasurer, \$6,250.

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SECTION 67

1 (e) Secretary of state, \$6,250.

2 (f) State superintendent, \$6,250.

3 (g) Justice, \$7,500.

4 (h) State senator, \$2,500.

5 (i) Representative to the assembly, \$1,500.

6 (4) A contributor who makes a qualifying contribution may also make a seed
7 money contribution in the full amount authorized under sub. (3).

8 (5) A candidate shall remit to the state treasurer all seed money contributions
9 received by the candidate that are unencumbered on the day the candidate receives
10 notification of qualification for a grant under sub. (7). The state treasurer shall
11 deposit all seed money contributions received under this subsection ^{to} in the clean
12 elections fund.

13 (6) No candidate who accepts a grant from the clean elections fund ^{may} ~~shall not~~
14 accept any seed money contribution under sub. (3) after receiving notification of
15 qualification for a grant under sub. (7).

16 (7) ~~In order~~ to qualify to receive a grant from the clean elections fund, a
17 candidate shall file an application with the board, no later than a time specified by
18 the board by rule, in which the candidate shall affirm that he or she has not accepted
19 and agrees not to accept a contribution from any source other than a contribution
20 required under sub. (2), a contribution authorized under sub. (3), and the candidate's
21 grant from the clean elections fund during the campaign of the candidate, as defined
22 in s. 11.31 (7). If the candidate desires to receive grant payments by electronic
23 transfer, the candidate shall include in his or her application sufficient information
24 and authorization for the state treasurer to transfer payments to his or her campaign

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1 depository account. The board shall notify each candidate who qualifies to receive
2 a grant from the clean elections fund as promptly as possible following qualification.

3 (8) (a) The board shall distribute primary election grants from the clean
4 elections fund to each candidate who qualifies to receive a grant under this section
5 as soon as possible preceding the date ^{on which} ~~that~~ the primary election is held for the office
6 ^{that} ~~which~~ the candidate seeks or the date on which the primary election would be held
7 if a primary election were required to be held.

8 (b) The board shall distribute grants for the spring, general, and any special
9 election from the clean elections fund to each candidate who qualifies to receive a
10 grant under this section as soon as possible after the date of the primary election for
11 the office sought by the candidate, or the date on which the primary election would
12 be held if a primary election were required to be held.

13 (9) A candidate who receives a grant from the clean elections fund shall file
14 with the board reports of all disbursements made in the manner provided under s.
15 11.06 (1) (g), without regard to the amounts thereof.

16 (10) (a) Except as provided in par. (b) and subs. (11) to (13), a candidate who
17 qualifies to receive a grant from the clean elections fund under this section shall
18 receive a grant in the following amount for the office sought by the candidate and for
19 the election specified, less the aggregate amount of contributions accepted by the
20 candidate under sub. (3):

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	<i>Office</i>	<i>Primary Election</i>	<i>Spring, General, or Special Election</i>
1			
2			
3	1. Governor	\$1,000,000	\$2,000,000
4	2. Lieutenant governor	250,000	500,000
5	3. Attorney general	350,000	700,000
6	4. State treasurer	125,000	250,000
7	5. Secretary of state	125,000	250,000
8	6. State superintendent	125,000	250,000
9	7. Justice	150,000	300,000
10	8. State senator	50,000	100,000
11	9. Representative to the assembly	25,000	50,000

(b) If a candidate does not have an opponent who has qualified to have his or her name appear on the ballot at the election for which a grant is to be applied, the candidate shall receive a grant for a primary election equal to the average total disbursements made per candidate in primary election campaign periods, as determined by the board from reports filed by or on behalf of those candidates in accordance with s. 11.31 (5), for the office that the candidate seeks during the 4-year period preceding the date of the primary election, or a grant for a spring, general, or special election equal to the average total disbursements made per candidate in general and special election campaign periods, as determined by the board from reports filed by or on behalf of those candidates in accordance with s. 11.31 (5), for the office that the candidate seeks during the 4-year period preceding the date of the spring, general, or special election, except that a candidate for the office of governor shall receive a grant of \$100,000 for a primary election and a grant of \$200,000 for a general election.

(11) (a) In this subsection, “consumer price index” means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

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1 (b) The dollar amounts of the grants specified in sub. (10) (a) and the grants
2 specified for the office of governor in sub. (10) (b) are subject to a biennial
3 cost-of-living adjustment to be determined by rule of the board in accordance with
4 this paragraph. To determine the adjustment, the board shall, as soon as possible
5 after the end of each odd-numbered year, calculate the percentage difference
6 between the consumer price index for the 12-month period ending on December 31
7 of the preceding year and the consumer price index for calendar year ~~2005~~ ²⁰⁰⁷. For each
8 biennium, the board shall multiply the amount of each grant specified in sub. (10)
9 by the percentage difference in the consumer price indexes. The board shall then add
10 that product to the applicable grant amount under sub. (10), round each sum to the
11 nearest multiple of \$5, and adjust the amount of each grant to substitute the
12 resulting amount. The amount so determined shall then be in effect until a
13 subsequent rule is promulgated under this paragraph. Notwithstanding s. 227.24
14 (1) (a), (2) (b), and (3), determinations under this paragraph may be promulgated as
15 an emergency rule under s. 227.24 without providing evidence that the emergency
16 rule is necessary for the public peace, health, safety, or welfare, and without a finding
17 of emergency.

18 (12) If any independent expenditure is made or any obligation to make an
19 independent expenditure is incurred by any person in opposition to a candidate who
20 receives a grant from the clean elections fund or in support of an opponent of such
21 a candidate whose name is certified to appear on the same ballot, then the candidate
22 who receives a grant shall receive an additional grant in the total amount of the
23 obligations incurred and the independent expenditures made that were not
24 previously reported as obligations, as reported to the appropriate filing officer under
25 s. 11.12 (6) (b), but not to exceed, in combination with any additional grant payable

1 to that candidate under sub. (13), 2.5 times the amount payable to the candidate
2 under sub. (10), as adjusted under sub. (11).

3 (13) If a candidate who receives a grant from the clean elections fund is opposed
4 on a primary or election ballot by another candidate who does not receive a grant or
5 by another candidate who the board determines has violated his or her agreement
6 under sub. (7), the candidate who receives a grant shall receive an additional grant
7 in the amount by which the disbursements made by the other candidate exceed the
8 amount of the grant payable for the office sought by the candidate in that election
9 under sub. (10), as adjusted under sub. (11), but not to exceed, in combination with
10 any additional grant payable to that candidate under sub. (12), 2.5 times the amount
11 payable to the candidate under sub. (10), as adjusted under sub. (11). If a candidate
12 who receives a grant from the clean elections fund is opposed on a primary or election
13 ballot by more than one candidate who does not receive a grant or who the board
14 determines has violated his or her agreement under sub. (7), the amount of the grant
15 payable under this subsection is the largest amount that would be payable by reason
16 of any candidate's opposition.

17 (14) If a candidate who makes an agreement under sub. (7) does not adhere to
18 the agreement, the candidate shall forfeit an amount equivalent to any grant from
19 the clean elections fund that is provided to the candidate and the candidate may be
20 fined not more than 3 times the amount of any contributions received by the
21 candidate in his or her campaign, as defined in s. 11.26 (17), exclusive of the amount
22 of any grant or any contributions deposited under sub. (2) or received under sub. (3).

23 (15) No later than the first day of the first month beginning at least 15 days
24 after an election at which a candidate receives a grant from the clean elections fund,
25 the candidate shall return to the state treasurer any amount of the grant remaining

ASSEMBLY BILL 825

1 in the candidate's campaign depository account, except that a candidate who receives
2 a grant at a primary election need not return any amount under this subsection if
3 the candidate qualifies to receive a grant at the succeeding spring, general, or special
4 election.

5 (16) The board may promulgate rules required to implement this section.

6 **SECTION 68.** 14.58 (20) of the statutes is amended to read:

7 14.58 (20) ~~ELECTION CAMPAIGN~~ CLEAN ELECTIONS FUND. Make disbursements to
8 each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible
9 to receive moneys a grant from the ~~Wisconsin election campaign~~ clean elections fund.

10 **SECTION 69.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
11 109, is repealed and recreated to read:

12 20.510 (1) (q) *Clean elections fund grants.* From the clean elections fund, a sum
13 sufficient to make the grants to candidates required under s. 11.51.

14 **SECTION 70.** 20.855 (4) (b) of the statutes is repealed.

15 **SECTION 71.** 20.855 (4) (ba) of the statutes is created to read:

16 20.855 (4) (ba) *Clean elections fund supplement.* A sum sufficient equal to the
17 amounts required to make the grants to candidates required under s. 11.51, to be
18 transferred to the clean elections fund.

19 **SECTION 72.** 25.17 (1) (aw) of the statutes is created to read:

20 25.17 (1) (aw) Clean elections fund (s. 25.42);

21 **SECTION 73.** 25.17 (1) (ys) of the statutes is repealed.

22 **SECTION 74.** 25.42 of the statutes, as affected by 2001 Wisconsin Act 109, is
23 repealed and recreated to read:

24 **25.42 Clean elections fund.** All moneys deposited with the state treasurer
25 under s. 11.51 (2) and (5) or returned to the state treasurer under s. 11.51 (15) and

ASSEMBLY BILL 825

SECTION 74

all moneys transferred to the clean elections fund under s. 20.855 (4) (ba) constitute the clean elections fund.

SECTION 75. 71.10 (3) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed.

SECTION 76. 2001 Wisconsin Act 109, section 9115 (2y) (b), as last affected by 2003 Wisconsin Act 39, section 14, is amended to read:

[2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections 11.01 (12s), 11.05 (3) (o), and ~~11.265, 11.50 (3), and 11.50 (10)~~ of the statutes, the renumbering of sections 11.05 (2r) (title), and 11.24 (2), ~~and 11.50 (1) (a) 1.~~ of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), ~~11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), and 71.10 (3)~~ (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), ~~7.08 (2) (c), 7.08 (2) (em), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61~~

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1 (1) (a) (by SECTION 2d), ~~20.510 (1) (g), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the~~
 2 statutes, the repeal and recreation of sections 11.05 (9) (title) and ~~11.50 (4) of the~~
 3 statutes, the creation of sections 11.001 (2m), ~~11.01 (4m), 11.01 (12w), (13) and (14),~~
 4 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) ~~(em)~~
 5 and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d),
 6 11.12 ~~(8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m),~~
 7 ~~11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n) (a), 11.26~~
 8 ~~(8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a) (a), 11.31 (1) (de), 11.31~~
 9 ~~(2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50~~
 10 ~~(1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s),~~
 11 ~~11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d),~~
 12 71.10 (4) (gw), and 806.04 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y),
 13 9132 (4v), 9215 (3v), 9244 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is
 14 unconstitutional, the treatment of those provisions by this act is void.

SECTION 77. Nonstatutory provisions.

15
 16 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
 17 the renumbering and amendment of section 11.26 (9) (a) ^(intro.) (by SECTION 41) of the
 18 statutes, ~~on the repeal and recreation of section 11.07 (5), 11.12 (2) or (6) (a) (by~~
 19 SECTION 23), 11.16 (2) or (5) (by SECTION 28), 11.19 (1), 11.23 (2), 11.26 (8n) (b), (10a)
 20 (b), or (17) (a) (by SECTION 51), or 11.38 (6) of the statutes, ^{on the repeal of sections 71.07 (6s) (a) 2001 71.10 (14) (gw)} as affected by this act, ^{or}
 21 any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b), as
 22 affected by this act, ^(intro.) is unconstitutional, the renumbering and amendment of section
 23 11.26 (9) (a) (by SECTION 41) of the statutes, ~~and the repeal and recreation of sections~~
 24 11.07 (5), 11.12 (2) and (6) (a) (by SECTION 23), 11.16 (2) and (5) (by SECTION 28), 11.19

OK
 the
 statutes
 by this act
 STET

ASSEMBLY BILL 825**SECTION 77**

or the repeal of sections 76-7(65)(a) 2008 and 76-7(14)(gw)
1 (1), 11.23 (2), 11.26 (8n) (b), (10a) (b), and (17) (a) (by SECTION 51), and 11.38 (6) of the
2 statutes by this act are void.

SECTION 78. Initial applicability.

3
4 (1) The treatment of sections 11.31 (9) and 11.51 (11) of the statutes first applies
5 to adjustments for the biennium beginning on January 1, ~~2008~~ *2010*

6 (END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2342/lins
JTK.....

INS 32-2:

~~SECTION 1~~ ^{STET} 71.07 (6s) (a) 2. of the statutes, as created by 2001 Wisconsin Act ^{STET} 109, is repealed.

INS 32-4:

~~SECTION 2~~ ^{STET} 71.10 (4) (gw) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

-2342/1dn
LRB-1804/1dn

JTK:kjfc

Wij

November 26, 2003

Representative Pocan:

1. Currently, ch. 11., stats., generally requires disclosure of financial activity by individuals and committees seeking to influence the election or defeat of candidates for state or local office [see ss. 11.01 (6), (7), (11), and (16), 11.05, and 11.06, stats.], unless a disbursement is made or obligation incurred by an individual other than a candidate or by a committee that is not organized primarily for political purposes, the disbursement is not a contribution as defined in the law, and the disbursement is not made to expressly advocate the election or defeat of a clearly identified candidate [see s. 11.06 (2), stats.]. This language pretty closely tracks the holding of the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612, 656-664 (1976), which prescribes the boundaries of disclosure that may be constitutionally enforced (except as those requirements affect certain minor parties and independent candidates). The treatment of section 11.01 (4m), stats., by this draft and proposed ss. 11.01 (11m) and 11.12 (6) (b) of this draft, which require reporting by persons that make certain communications during certain periods containing a reference to a candidate for the office of governor, state senator, or representative to the assembly, appears to extend beyond the boundaries that the court permitted in 1976. As a result, its enforceability at the current time appears to rest upon a shift by the court in its stance on this issue. In this connection, see also *North Carolina Right to Life, Inc., v. Bartlett*, 168 F. 3d 705 (4th Cir. 1999), cert. denied, 120 S. Ct. 1156 (2000), in which the court voided North Carolina's attempt to regulate issue advocacy as inconsistent with *Buckley*.

2. Proposed s. 11.51 (12) provides public grants to qualifying candidates to match certain disbursements made by opposing candidates who do not accept public grants. It could be asserted that this provision burdens the freedom of speech of opposing candidates in violation of the First Amendment. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.51 (12) were challenged.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2342/1dn
JTK:wlj:jf

April 8, 2005

Representative Pocan:

Proposed s. 11.51 (12) provides public grants to qualifying candidates to match certain disbursements made by opposing candidates who do not accept public grants. It could be asserted that this provision burdens the freedom of speech of opposing candidates in violation of the First Amendment. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.51 (12) were challenged.

Jeffery T. Kuesel
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Northrop, Lori

From: Wavrunek, Glenn
Sent: Thursday, July 21, 2005 3:14 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2342/1 Topic: Public financing of campaigns for state office

It has been requested by <Wavrunek, Glenn> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2342/1 Topic: Public financing of campaigns for state office